

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

WEST VIEW RESEARCH, LLC,
Patent Owner.

Case IPR2016-00125 (Patent 8,290,778 B2)
Case IPR2016-00156 (Patent 8,296,146 B2)¹

Before KARL D. EASTHOM, MICHAEL R. ZECHER, KEVIN W.
CHERRY, and JASON J. CHUNG, *Administrative Patent Judges*.

PER CURIAM.

DECISION ON PATENT OWNER'S
MOTION TO WITHDRAW
MOTIONS TO AMEND
37 C.F.R. § 42.71

¹ This Decision applies to both cases. The parties are not authorized to use this heading style.

IPR2016-00125 (Patent 8,290,778 B2)

IPR2016-00156 (Patent 8,296,146 B2)

During a conference call with Clifford A. Ulrich for Petitioner, Peter J. Gutierrez, III for Patent Owner, and the above-listed panel members on January 30, 2017, Patent Owner requested to withdraw its Motion to Amend (Paper 12) in each proceeding.² Petitioner did not object, but contended that planning for the upcoming Hearing for both proceedings, scheduled February 7, 2017, warrants a timely decision on Patent Owner's request for withdrawal of its Motion to Amend in each proceeding. *See* Paper 20 (Hearing Order). Patent Owner did not file a Patent Owner Response in the proceedings. Patent Owner also indicated it did not intend to appear at the Hearing scheduled for the proceedings.

During the conference, Judge Easthom informed Patent Owner that under the circumstances, granting the request to withdraw each Motion to Amend may result in a determination that Patent Owner has abandoned each proceeding. *See Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012) (“Where the patent owner elects not to file a response, the patent owner will arrange for a conference call with the Board to discuss whether or not the patent owner will file a request for adverse judgment.” (Citing 37 C.F.R. § 42.73(b)); *see* 37 C.F.R. § 42.73(b)(4) (“Abandonment of the Contest”).

Accordingly, after treating Patent Owner's (oral) request as a Motion to Withdraw its Motion to Amend in each proceeding, it is

ORDERED that Patent Owner's Motion to Withdraw its Motion to Amend in each proceeding is *granted*.

² All Paper number citations herein apply to each case.

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